

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

United States District Court  
Southern District of Texas  
FILED

JUL 13 2021

UNITED STATES OF AMERICA

v.

OBERLIN CORTEZ PENA, JR.  
KRISTIAN NICOLE WEST  
HERBEY JOSE SOLIS, III  
also known as Herbey Jose Solis  
JOSE LUIS DURAN  
EDWIN ALEJANDRO CASTILLO

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Criminal No.

M-21-1424

Nathan Ochsner, Clerk

SEALED INDICTMENT

THE GRAND JURY CHARGES:

Count One

On or about June 11, 2021, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

JOSE LUIS DURAN  
and  
EDWIN ALEJANDRO CASTILLO

did knowingly and intentionally conspire and agree together, and with other persons known and unknown to the Grand Jury to directly or indirectly, corruptly give, offer and promise anything of value, that is, \$2,000.00 in United States currency to M.O., a United States Border Patrol Agent, with intent to influence any official act and induce such public official to do an act in violation of their lawful duty, namely allow vehicles containing illegal aliens through the Falfurrias Border Patrol Checkpoint.

In violation of Title 18, United States Code, Sections 201(b)(1) and 371.

Count Two

On or about June 11, 2021, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**JOSE LUIS DURAN**  
**and**  
**EDWIN ALEJANDRO CASTILLO**

did directly and indirectly, corruptly give, offer, and promise a thing of value to a public official, with intent to induce a public official to do an act and omit to do an act in violation of his official duty, that is giving \$2,000.00 in United States currency to M.O., a United States Border Patrol Agent, to allow vehicles containing illegal aliens through the Falfurrias Border Patrol Checkpoint.

In violation of Title 18, United States Code, Sections 201(b)(1) and 2.

**Count Three**

On or about June 14, 2021, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**KRISTIAN NICOLE WEST**  
**HERBEY JOSE SOLIS, III**  
**also known as Herbey Jose Solis**  
**JOSE LUIS DURAN**  
**and**  
**EDWIN ALEJANDRO CASTILLO**

knowing and in reckless disregard of the fact that individuals, who were aliens, had come to, entered and remained in the United States in violation of law, did knowingly and intentionally conspire and agree together and with other persons known and unknown to the Grand Jurors to transport and move said aliens within the United States in furtherance of such violation of law, that is, from a location within Hidalgo County, Texas, to another location near Falfurrias, Texas, by means of a motor vehicle.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I), 1324(a)(1)(A)(ii), and 1324(a)(1)(B)(i).

**Count Four**

On or about June 14, 2021, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**KRISTIAN NICOLE WEST  
JOSE LUIS DURAN  
and  
EDWIN ALEJANDRO CASTILLO**

knowing and in reckless disregard of the fact that Paulina Susana Vasquez-Lopez was an alien who had come to, entered, and remained in the United States in violation of law, did knowingly transport, move, attempt to transport, and attempt to move said alien within the United States in furtherance of such violation of law, that is, from a location near Mercedes, Texas, to a location near Falfurrias, Texas, by means of a motor vehicle.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(ii).

**Count Five**

On or about June 14, 2021, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**KRISTIAN NICOLE WEST  
JOSE LUIS DURAN  
and  
EDWIN ALEJANDRO CASTILLO**

knowing and in reckless disregard of the fact that Jose Martinez-Rios was an alien who had come to, entered, and remained in the United States in violation of law, did knowingly transport, move, attempt to transport, and attempt to move said alien within the United States in furtherance of such violation of law, that is, from a location near Mercedes, Texas, to a location near Falfurrias, Texas, by means of a motor vehicle.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(ii).

**Count Six**

On or about June 14, 2021, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**HERBEY JOSE SOLIS, III  
also known as Herbey Jose Solis  
JOSE LUIS DURAN  
and  
EDWIN ALEJANDRO CASTILLO**

knowing and in reckless disregard of the fact that Jhosiel Antonio Vasquez-Valencia was an alien who had come to, entered, and remained in the United States in violation of law, did knowingly transport, move, attempt to transport, and attempt to move said alien within the United States in furtherance of such violation of law, that is, from a location near McAllen, Texas, to a location near Falfurrias, Texas, by means of a motor vehicle.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(ii).

**Count Seven**

On or about June 14, 2021, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**HERBEY JOSE SOLIS, III  
also known as Herbey Jose Solis  
JOSE LUIS DURAN  
and  
EDWIN ALEJANDRO CASTILLO**

knowing and in reckless disregard of the fact that Erick Andrade-Valero was an alien who had

come to, entered, and remained in the United States in violation of law, did knowingly transport, move, attempt to transport, and attempt to move said alien within the United States in furtherance of such violation of law, that is, from a location near McAllen, Texas, to a location near Falfurrias, Texas, by means of a motor vehicle.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(ii).

**Count Eight**

On or about June 25, 2021, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

**OBERLIN CORTEZ PENA, JR.**

did knowingly and intentionally attempt to aid and abet possession with intent to distribute a controlled substance. The controlled substance was five kilograms or more, that is approximately 5.9 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

**Count Nine**

On or about July 9, 2021, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

**OBERLIN CORTEZ PENA, JR.**

did knowingly and intentionally attempt to aid and abet possession with intent to distribute a controlled substance. The controlled substance was five kilograms or more, that is approximately 5.9 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1). And 841(b)(1)(A)  
and Title 18, United States Code, Section 2.

A TRUE BILL

FOREPERSON

JENNIFER B. LOWERY  
ACTING UNITED STATES ATTORNEY

JONGWOO CHUNG  
JOHN P. PEARSON  
ASSISTANT UNITED STATES ATTORNEY